

**TOWN OF DAVIE  
TOWN COUNCIL WORKSHOP  
JANUARY 22, 1996**

The meeting was called to order at 6:36 p.m. and was followed by the Pledge of Allegiance.

Present were Mayor Bush, Vice-Mayor Venis, and Councilmembers Cox, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**1. Equestrian District**

Michele Mellgren, Director of Planning, explained the purpose of the Equestrian District proposal. Councilmember Cox suggested that the legal issue be set aside. Mr. Webber stated that the District could be set and by written intent and criteria, encourage horses on properties.

The size of the District was discussed with Ms. Mellgren explaining the boundaries. Vice-Mayor Venis remarked that deed restrictions would be difficult to change once imposed.

Councilmember Kiar referred to the Imagination Farms item on the previous Council Agenda. He said he would have voted with Vice-Mayor Venis if he had been in attendance, which would have resulted in a 3-2 vote. He stated that he did not like the "E" Zoning concept, but would encourage an Equestrian District.

Discussion regarding cost to the landowners was held. Comments were made that those expenses should be held to a minimum.

Councilmember Cox inquired if a new district would create an overlay and perhaps a legal problem. Mr. Webber responded that the Town did not wish to impose the new district on anyone, but acknowledged a litigation challenge could become an issue.

Mayor Bush asked if anyone wished to speak on this matter.

George Greb remarked that developers would not provide larger lot sizes even if they were imposed. He recalled that R-1 Zoning already existed and the problem was with deed restrictions. Mr. Greb recommended the Town reinstate the original intent for the area.

Herb Halpern stated that he believed density would become a problem. He said he and his neighbors were very concerned.

Michael Davenport agreed with the previous two speakers and stated that the intent was to encourage, not deed restrict. Regarding the walls, he said Council could exact rules with requirements, or allow the property owners to decide.

Al Tyler stated that he had not seen any developers coming into the area for the Equestrian District. He remarked it was a gimmick in favor of the developers.

Debbie Apolinario, 2940 SW 148 Avenue, said she did not believe "E" Zoning was needed and inquired about set-backs. Ms. Mellgren explained the guidelines.

Ms. Apolinario asked about the water requirements. Ms. Mellgren replied that 18% on site retention/detention was dictated and detailed the criteria. Ms. Apolinario remarked that people would choose R-1 over the equestrian zoning and mentioned the 35,000 square foot lot size as the motivation.

Pat Grimson remarked that there were too many horses on 35,000 square foot properties. She recommended that the Town retain R-1 and reject the "E" Zoning.

Ms. Grimson mentioned the horse trails on the sides of the roads.

Judy Paul suggested the Town do whatever it would take to maintain the rural lifestyle especially regarding horses. She recalled development that had occurred in the past and discussed the rights of the road for horse owners. Ms. Paul suggested non-horse owners be educated to those rights.

Mr. Greb recalled the research that had been conducted to conclude a maximum number of four horses per acre. He described the process that was followed.

Joy Richter stated that she had moved to Davie to live in a rural environment. She remarked on the horse symbol present on the Town's seal. Ms. Richter expressed the need for harmonious living between new development and horse owners. She warned that residents were moving out of the town.

Councilmember Kiar commented on the interrelationship between "E" Zoning and the equestrian overlay. He referred to the map displayed and suggested that everything colored black be left alone and the 35,000 square foot, four horses per lot, one unit per acre integrity be preserved. In addition, he said, the equestrian overlay would protect the rights of the horse owners. He recommended both suggestions be realized.

## **2. "E" Zoning Workshops**

Ms. Mellgren stated that an incentive to rezone to R-1 was open space requirements. She inquired if a possible trade-off might be an R-1 request dictating no deed restrictions. Mr. Webber said he would look into it. Vice-Mayor Venis expressed the need to vote on the "E" District. Councilmember Cox said an incentive to zone to R-1 would prohibit a wall. Mr. Webber voiced the need to go through the entire process and mentioned the statutory requirements regarding zoning changes.

It was recommended the "E" District be eliminated and the overlay instituted. Comment was made that at the conclusion of the discussions, the two issues would be discussed simultaneously.

Councilmember Cox provided a history of "E" Zoning. She explained the 1987 Visions 2000 Program which provided open space and a trail system. She stated that the lifestyle choices of the residents were enforced in the program. Councilmember Cox described the pedestrian and equestrian friendly intentions.

Regarding the water issue, Councilmember Cox indicated it was too much of a trade off. She said the wall and gates also needed to be discussed.

Ms. Mellgren explained the handout and expressed the problem of dry lots versus no requirement for dry lots. She said that an asterisk for the dry lot requirement had been added to the AG District. There was no code requirement on 35,000 square foot or smaller lots to be dry.

Ms. Mellgren showed a display and explained the Vista Lakes situation. She said that development of criteria and guidelines to support the approval of a property being "E" Zoned was needed.

Councilmember Kiar inquired how long it would take to resolve some of the loop-holes. Ms. Mellgren believed a couple of weeks would be sufficient time.

Ms. Mellgren asked if a public notice was made of the intent to revise the District, could someone come in before the final revision under the previous designation. Mr. Webber replied that public notice would prevent the ability for anyone to say the revision was unknown, but someone could indicate they had been working on their project before the public notice was given.

Councilmember Kiar inquired if it would be safer to eliminate "E" Zoning, then explore all the weaknesses, develop possible solutions and return. Councilmember Cox suggested, and Mr. Flatley agreed with imposing a temporary moratorium.



Mr. Webber explained that an immediate moratorium could not be enacted and reiterated the process required to change the zoning code. He recalled that the Town was involved in a potential dispute regarding some utility futures. Mr. Webber said that he could see little benefit and anticipated some problems associated with a moratorium.

Vice-Mayor Venis recalled a previous discussion regarding development of seven lot and inquired if variances could be created for those lots. He cautioned that a change to "E" Zoning would not accomplish the main purpose and could present problems.

Ms. Mellgren stated that variances did not provide open space. Vice-Mayor Venis said it was unreasonable to have lots that were under water. Councilmember Cox stated that smaller lots would provide acreage for all to use. Discussion ensued.

Dean Alexander, 13820 SW 16 Street, provided a brief history of the intent regarding open space. He stated that although it was not necessarily controlling, it was persuasive. Mr. Webber responded it addressed ambiguous issues. Mr. Alexander stated that it was easier to expand zoning than reduce.

Al Tyler said that water should not be used for open space. He suggested it was a gimmick and should be eliminated.

Debbie Apolinario stated that incoming residents wanted new homes and were forced to purchase within developments because of the lack of new homes on one acre lots. She related the desires for open space within communities. Ms. Apolinario suggested the grid system be reviewed and possibly eliminated.

Ms. Apolinario stated that "E" Zoning was a great idea, but the developers were abusive. She encouraged more conscientious decisions and reduced mistakes. She recommended deletion of "E" Zoning and review of R-1.

When asked about walls and gating requirements being included in the Code, Mr. Webber replied that any changes occurring after May 11, 1995 were protected. He encouraged that great caution be exercised and only minimal changes suggested.

Ms. Apolinario asked for a review of the situation. Possible solutions were discussed. Mr. Webber reiterated the need for discretion and adherence to the legal aspects.

Judy Paul recommended elimination of "E" Zoning. She discussed the wildlife habitat and the detrimental effect on the animals with additional development in the area.

Michael Davenport inquired about the protection of property owner rights through the Bert Harris Act. Mr. Webber responded that only the government could violate the Act. Mr. Davenport asked about "E" Zoning and density.

George Greb recalled the asterisk which had been spelled out in the original ordinance. He said a mysterious change had occurred in the final copy with the asterisk removed and the asterisk crossed out by staff. Mr. Greb spoke about the development of lakes, fill and blasting problems. Profit was the main concern of the builders, he said. Mr. Greb continued that the equestrian overlay could be a benefit. He encouraged submission of a written declaration indicating the desire to retain the integrity of Davie.

Charles Trowbridge, 14691 SW 21 Street, stated that more laws brought more attorneys. He recalled earlier challenges with developers which were satisfactorily negotiated with the public. Mr. Trowbridge suggested that E-zoning be abolished in a legal manner.



Councilmember Kiar stated that although the intent had been positive, "E" Zoning had proved to have a negative effect. He said that the residents he had spoken with wanted the one unit per acre designations left alone and he recommended "E" Zoning be eliminated as it was currently written. Vice-Mayor Venis said that he wanted to see the District abolished from the Code. Discussion about a date to abolish and providing sufficient publication time ensued with the first Council meeting in February being suggested.

Councilmember Cox asked if "E" Zoning was eliminated, how the Town's lifestyle would be protected. She suggested that under R-1, open space and trail connections would be available.

Mr. Greb explained that an extra 15 feet of property along the road was required to install a trail. He inquired if there was a master plan in existence showing connectors. Ms. Mellgren responded that a master plan was being compiled but had not yet been adopted.

Councilmember Cox suggested that staff be directed to provide notice of a public hearing regarding "E" Zoning elimination. Vice-Mayor Venis recommended that a joint meeting be held with members of the Planning and Zoning Board to fine tune all thoughts and suggestions. Councilmember Kiar concurred. Mr. Flatley also recommended a workshop and mentioned the concern of residents for higher taxes. He suggested that a rural lifestyle was desired, but it did not provide a good tax base. Buffers created along heavily traveled interstates allowed development and an increased tax base and Mr. Flatley stressed that caution be exercised. He stated that he was in favor of eliminating "E" Zoning.

Ms. Paul recalled a workshop discussion on the Comprehensive Plan. She stated that every canal right-of-way had been indicated in the Plan to include horse trails. She related fencing challenges within new developments which blocked the trails. Discussion continued.

Mr. Alexander discussed the "R" Zoning at Oak Hill. He stated that there were no sidewalks and the swales were wide. Mr. Alexander mentioned the

number of horse riders he had observed in the area.

Mr. Tyler said that there was no need to be concerned about the tax base. He predicted developers would build and increase the tax base. Mr. Tyler expressed appreciation for the beauty of Oak Hill and said he wanted to see more areas like it.

Mr. Flatley believed that taxes should not be encumbering to residents and recommended review of all facets, he said. Discussion continued.

Phyllis Kowal said that equestrian residents had been utilizing the area for years, but the increased development and reduction in available riding areas had become discouraging. She also remarked on the lack of schools to accommodate the increase in students.

Mr. Greb stated that "E" Zoning was encouraging development which was not consistent with the Town's lifestyle philosophy. He recommended elimination.

Wayne Arnold expressed appreciation for the dedication of Council. He recommended that the quality of life be preserved.

Ms. Mellgren summarized her understanding that Council would return at its next meeting with an ordinance to eliminate "E" Zoning. She requested direction regarding the wall issue. Vice-Mayor Venis stated his belief that this issue would be discussed at the workshop. Councilmember Kiar requested the opportunity for Council to consult their calendars and staff could then determine a date for the workshop.



Ms. Mellgren reiterated that the workshop discussions would include fencing and equestrian district issues.

There being no objections or further business, the meeting was adjourned at 9:25 p.m.

APPROVED \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk